

VRP:LLK  
File No. 2002A99444

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, :  
Plaintiff :

v. : MISCELLANEOUS NO. 02-MC-141

TIMOTHY J. HAYES, M.D., :  
Defendant :

and :  
THE WYANOKE GROUP :  
6900 GROVE ROAD :  
Thorofare, NJ 08086-9947, :  
Garnishee :

GARNISHEE ORDER

A Writ of Continuing Garnishment, directed to Garnishee, has been duly issued and served upon the Garnishee. Pursuant to the Writ of Continuing Garnishment, the Garnishee filed an Answer on **June 20, 2008**, stating that at the time of the service of the writ he had in his possession or under his control personal property belonging to and due defendant, and that garnishee was indebted to defendant in the sum of **\$163,566.33**. The current debt balance as July 14, 2008, is **\$164,542.25** (principal \$163,983.10, and interest \$559.15).

On **June 12, 2008**, the defendant was notified of his right to a hearing and has not requested a hearing to determine exempt property, it is hereby, ORDERED that Garnishee pay the sum of **25% of net earnings** per pay to plaintiff and continue said payments until the debt to

the plaintiff is paid in full or until the garnishee no longer has custody, possession or control of any property belonging to the defendant or until further Order of this Court.

Payments must be made payable to the "**U.S. Department of Justice**" and sent to this address:

U.S. Attorney's Office  
615 Chestnut Street  
Suite 1250  
Philadelphia, PA 19106-4476  
Attn: Financial Litigation Unit

DATE: \_\_\_\_\_

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Honorable Thomas M. Golden  
United States District Court Judge

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, :  
Plaintiff :

v. : MISCELLANEOUS NO. 02-MC-141

TIMOTHY J. HAYES, M.D., :  
Defendant :

and :  
THE WYANOKE GROUP :  
6900 Grove Road :  
Thorofare, NJ 08086-9447, :  
Garnishee :

APPLICATION FOR GARNISHEE ORDER

Comes now the United States of America, plaintiff, and makes application for the entry of the attached Garnishee Order, and in support of this application represents that:

1. A Writ of Continuing Garnishment, directed to Garnishee, was duly issued by the court and served upon the Garnishee and the debtor. A true and correct copy of the Writ is attached hereto as Exhibit A.

2. The Garnishee, **The Wyanoke Group**, filed an Answer to the Writ, as required by 28 U.S.C. § 3205(b)(4), which identified personal property belonging to and due

defendant that the garnishee had in its possession or under its control at the time of the service of the writ. A true and correct copy of the Garnishee Answer is attached hereto as Exhibit B.

3. The Answer of Garnishee disclosed that the Garnishee, **The Wyanoke**, owed the defendant, **Timothy J. Hayes**, \$4,908.51 in non-exempt disposable earnings, and that defendant is paid on a bi-weekly basis.

4. Pursuant to 15 U.S.C. § 1672(b), the United States is entitled to 25% of the defendant's disposable income per pay.

5. No objection has been filed or served to the Answer of Garnishee nor has any hearing on same been requested within the 20 days time set forth in 28 U.S.C. § 3205(c)(5).

6. Accordingly, pursuant to 28 U.S.C. § 3205(c)(7), the court should promptly enter an order directing the garnishee as to the disposition of the judgment debtor's non-exempt interest in property in the garnishee's possession, and should enter the attached Garnishment Order providing for payment to the United States of **25% of net earnings** per pay until the judgment against the defendant, including post-judgment interest and surcharge, if applicable, under 28 U.S.C. § 3011(a) is paid in full.

7. The judgment entered in favor of the United States and against the Defendant in the amount of **\$176,869.24** plus interest from **5/23/2002**, at the legal rate of **2.40%** remains unsatisfied.

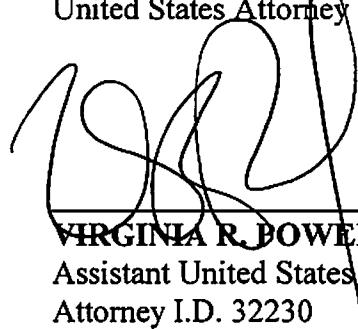
WHEREFORE, the United States respectfully requests that an Order be entered requiring that the garnishee pay **25% of net earnings** from defendant's non-exempt disposable earnings to plaintiff and continue said payments until the debt to the plaintiff is paid in full or

until the garnishee no longer has custody, possession or control of any property belonging to the defendant or until further Order of this Court.

Dated: **July 14, 2008**

Respectfully submitted,

**PATRICK L. MEEHAN**  
United States Attorney



VRP2176

**VIRGINIA R. POWELL**  
Assistant United States Attorney  
Attorney I.D. 32230

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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, :

Plaintiff : :

v. : MISCELLANEOUS NO. 02-MC-141

TIMOTHY J. HAYES, M.D., : :

Defendant : :

and : :

THE WYANOKE GROUP  
6900 Grove Road  
Thorofare, NJ 08086-9447, : :

Garnishee : :

**FILED**

MAY 21 2008

MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_ Dep. Clerk

**WRIT OF CONTINUING GARNISHMENT**

TO: THE WYANOKE GROUP  
6900 Grove Road  
Thorofare, NJ 08086-9447

An application for a Writ of Continuing Garnishment against the property of Timothy J. Hayes, M.D. defendant, has been filed with this Court. Judgment has been entered against the above-named defendant in the amount of \$176,869.24, computed through April 14, 2008, the total amount being \$163,566.33 (principal \$162,967.89, interest (2.40% \$598.44).

You are required by law to answer in writing, under oath, within ten (10) days, whether or not you have in your custody, control or possession, any property owned by the defendant, including non-exempt, disposable earnings.



Please state whether or not you anticipate paying the defendant any future payments and whether such payments are weekly \_\_\_\_\_, bi-weekly \_\_\_\_\_ or monthly \_\_\_\_\_.

You must file the original written answer to this writ within ten (10) days of your receipt of this writ with the **Clerk, United States District Court at 2609 U.S. Courthouse, 601 Market Street, 2nd Floor, Philadelphia, Pennsylvania 19106**. Additionally, you are required by law to serve a copy of your answer to this writ upon the defendant, **Timothy J. Hayes, at 500 E. Lancaster Avenue, Apt#: 137A Wayne, PA 19087**, and upon the **United States Attorney's Office at 615 Chestnut Street, Suite 1250, Philadelphia, Pennsylvania 19106-4476, ATTN: Financial Litigation Unit**.

Under the law, there may be property which is exempt from this writ.

Pursuant to 15 U.S.C. §1674, you are prohibited from discharging the defendant from employment by reason of the fact that the defendant's earnings have been subject to garnishment for any one indebtedness.

You are required to withhold and retain any property in which the defendant has a substantial non-exempt interest. You must continue to withhold and retain any of the defendant's property that comes into your possession until the writ is paid in full or judgment is terminated.

If you fail to answer this writ or withhold property in accordance with this writ, the United States of America may petition the Court for an order requiring you to appear

before the Court. If you fail to appear or do appear and fail to show good cause why you failed to comply with this writ, the Court may enter a judgment against you for the value of the defendant's non-exempt property. It is unlawful to pay or deliver to the defendant any item attached by this writ.

  
\_\_\_\_\_  
United States District Court Judge

VRP:dk  
File No. 2002A99444

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
UNITED STATES OF AMERICA,

Plaintiff

v. MISCELLANEOUS NO. 02-MC-141  
TIMOTHY J. HAYES, M.D.,

Defendant

and

THE WYANOKE GROUP  
6900 Grove Road  
Thorofare, NJ 08086-9447.

Garnishee

FILED

JULY 20 2008  
MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_ Dep. Clerk

ANSWER OF THE GARNISHEE

\_\_\_\_\_, hereby certifies that:  
(Affiant)

IF GARNISHEE IS AN INDIVIDUAL:

That he/she is Garnishee herein doing business in the name of \_\_\_\_\_

\_\_\_\_\_  
(State full name and address of business)

IF GARNISHEE IS A PARTNERSHIP:

That he/she is a member \_\_\_\_\_ of a partnership composed of which  
Garnishee is a partner



**IF GARNISHEE IS A CORPORATION:**

That he/she is the (State Official Title) \_\_\_\_\_ of Garnishee, \_\_\_\_\_ a corporation, organized under the laws of the State of \_\_\_\_\_.

On July 15, 2008, Garnishee was served with the Writ of Continuing Garnishment. For the pay period in effect on the date of service (shown above):

Yes      No

1. Defendant is in my/our employment.  
 2. Pay period is \_\_\_\_\_ weekly,  bi-weekly  
       \_\_\_\_\_ semi-monthly, \_\_\_\_\_ monthly.

Enter date present pay period began.

(Present means the pay period in which this order and notice of garnishment were served) DATE: \_\_\_\_\_

3. Enter amount of net wages. Calculate below:

(a) Gross Pay	\$ <u>9931.66</u>
(b) Federal income tax	\$ <u>1418.47</u>
(c) F.I.C.A. income tax	\$ <u>553.47</u> <u>338.62</u> <u>139.48</u> <u>100.00</u>
(d) State income tax	\$ <u>273.69</u>
(e) City/local income tax	\$ <u>363.24</u>
Total of tax withholdings	\$ <u>2374.41</u>
Net Wages (a less total of b,c,d,e)	\$ <u>4987.25</u>

YES NO

3  4. Have there been previous garnishments in effect? If the answer is yes,  
 describe below. IRS - Biweekly amount \$350.00 started  
 in Apr 16, 2007 - Levy Releveted Dec 18, 2007

The Garnishee has custody, control or possession of the following property  
 (non-earnings), in which the Defendant maintains an interest, as described below:

<u>Description of Property</u>	<u>Approximate Value</u>	<u>Description of Defendant's Interest in Property</u>
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

Garnishee anticipates owing to the judgment-defendant in the future, the following amounts

<u>Amount</u>	<u>Estimate date or Period Due</u>
1. \$ _____	_____
2. \$ _____	_____
3. \$ _____	_____
4. \$ _____	_____

Check the applicable line below if you deny that you hold property subject to this order of garnishment.

The Garnishee makes the following claim of exemption on the part of Defendant: \_\_\_\_\_

\_\_\_\_\_

VRP:dk

**TO: THE WYANOKE GROUP  
6900 Grove Road  
Thorofare, NJ 08086-9447**

**INSTRUCTIONS TO THE GARNISHEE**

Attached is a Writ of Continuing Garnishment requesting that you determine whether or not you have in your possession, custody or control any of the property of the defendant listed therein, or any other property to the defendant as set forth in the writ. **You are required by law to serve a written answer to this writ within 10 days of your receipt.** Upon your receipt of the forthcoming garnishment order, you will be required to withhold and retain any property in which the defendant has a substantial non-exempt interest. The amount to be withheld will be stated in said order.

**IF YOU FAIL TO ANSWER THIS WRIT OR TO WITHHOLD PROPERTY IN ACCORDANCE WITH THE WRIT, THE COURT MAY MAKE YOU LIABLE FOR THAT AMOUNT OF THE DEFENDANT'S NON-EXEMPT PROPERTY WHICH YOU FAILED TO WITHHOLD. ADDITIONALLY, YOU MAY BE HELD LIABLE FOR A REASONABLE ATTORNEY'S FEE TO THE UNITED STATES OF AMERICA IF THE UNITED STATES FILES A PETITION TO THE COURT REQUESTING AN EXPLANATION FOR YOUR FAILURE TO COMPLY WITH THIS WRIT.**

If you have any additional questions, please call the United States Attorney's Office, Levain L. Kelly, Financial Litigation Agent at (215) 861-8560 or by mail to: The United States Attorney's Office, 615 Chestnut Street, Suite 1250, Philadelphia, Pennsylvania 19106-4476.

CERTIFICATION OF SERVICE OF GARNISHEE

I, \_\_\_\_\_, Garnishee, certify that a copy of the foregoing Answer  
of Garnishee was served by first-class mail to (1) the Defendant, (please give name and address):

**FILED**

JULY 21 2008

MICHAEL J. JUNZ, Clerk  
By \_\_\_\_\_ Dep. Clerk

and (2) the United States Attorney's Office at: 615 Chestnut Street, Suite 1250,  
Philadelphia, Pennsylvania 19106-4476, ATTN: Financial Litigation Unit and (3) the Original  
mailed to Clerk, U.S. District Court, 2609 U.S. Courthouse, 601 Market Street, 2nd Floor,  
Philadelphia, Pennsylvania 19106.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND  
CORRECT, EXECUTED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008

\_\_\_\_\_  
Garnishee

- \_\_\_\_ Or has the following objections, defenses, or set-offs to Plaintiff's right to apply  
Garnishee's indebtedness to Defendant upon Plaintiff's claim: \_\_\_\_\_
- 
- \_\_\_\_ The Garnishee has in no manner and upon no account been indebted or under liability to  
the Defendant, **TIMOTHY J. HAYES, M.D.**, and that the Garnishee has not possessed  
or control any property belonging to the Defendant.

**ATTACHMENT TO ANSWER OF GARNISHEE**

The Original Answer must be mailed to:

**Clerk, United States District Court  
2609 U.S. Courthouse  
2nd Floor  
601 Market Street  
Philadelphia, Pennsylvania 19106**

and a copy of this Answer to:

**United States Attorney's Office  
615 Chestnut Street  
Suite 1250  
Philadelphia, Pennsylvania 19106-4476**

and a copy of this Answer to the Defendant:

**Timothy J. Hayes, M. D.  
500 E. Lancaster, Apt#: 137A  
Wayne, PA 19087**